

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

| | | |
|---------------------------|---|------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 07-064M |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | DETENTION ORDER |
| JOSE VILLA VALENCIA, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

Offense charged: Distribution of Cocaine

Date of Detention Hearing: February 13, 2007

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with the offense of Distribution of Cocaine. The maximum penalty of this offense is in excess of ten years. There is therefore a rebuttable

01 presumption against defendant as to both dangerousness and flight risk, under 18 U.S.C. §3142(e).

02 2. Defendant has allegedly advised that he is in the United States illegally. His
03 criminal history includes prior deportation proceedings. Court records indicate he is associated
04 with two alias names, two social security numbers and two dates of birth. He has strong ties to
05 Mexico and reportedly owns a home in that country.

06 3. An immigration detainer has not yet been filed, although the AUSA proffers that
07 immigration has been informed of the defendant's status and it is expected that the detainer will
08 be forthcoming.

09 4. Taken as a whole, the record does not effectively rebut the presumption that no
10 condition or combination of conditions will reasonably assure the appearance of the defendant as
11 required and the safety of the community.

12 It is therefore ORDERED:

13 (1) Defendant shall be detained pending trial and committed to the custody of the
14 Attorney General for confinement in a correction facility separate, to the extent
15 practicable, from persons awaiting or serving sentences or being held in custody
16 pending appeal;

17 (2) Defendant shall be afforded reasonable opportunity for private consultation with
18 counsel;

19 (3) On order of a court of the United States or on request of an attorney for the
20 Government, the person in charge of the corrections facility in which defendant is
21 confined shall deliver the defendant to a United States Marshal for the purpose of
22 an appearance in connection with a court proceeding; and

01 (4) The clerk shall direct copies of this Order to counsel for the United States, to
02 counsel for the defendant, to the United States Marshal, and to the United States
03 Pretrial Services Officer.

04 DATED this 13th day of February, 2007.

05 

06 Mary Alice Theiler
United States Magistrate Judge